

MINUTES OF MEETING (as amended)

A meeting of the Chiropractic Physicians' Board of Nevada was held on Friday, April 13, 2007 in the City of Las Vegas Council Chambers at 400 Stewart Avenue, Las Vegas, Nevada 89101.

The following Board members were present for the roll call at 9:00 AM:

Stephanie Youngblood, DC, President
Margaret Colucci, DC, Vice President
Ian Yamane, DC, Secretary
Richard McCann, J.D., Consumer Member
Donald Miner, DC, Member
Curtis Potts, DC, Member

Dr. Youngblood determined that a quorum was present and called the meeting to order. Also present were Deputy Attorney General David Newton, CPBN attorney Elizabeth Foley and CPBN Executive Director Cindy Wade.

Dr. Margaret Colucci led those present in the Pledge of Allegiance.

Agenda Item 1 APPROVAL OF AGENDA

Dr. Miner moved for approval of the agenda with the exception that the order of Item Nos. 7, 8 and 9 be addressed in reverse. Dr. Potts seconded and the motion passed unanimously.

Agenda Item 2 PUBLIC INTEREST COMMENTS (No Action)

There was no public interest comment.

Agenda Item 3 APPROVAL OF PREVIOUS MINUTES: March 23, 2007

Dr. Yamane moved for approval of the March 23, 2007 minutes. Dr. Colucci seconded the motion and it passed unanimously.

Agenda Item 4 DISCUSSION/APPROVAL OF BOARD FINANCIAL REPORTS:

- A. Bank balance as of April 1, 2007**
- B. Income/Expense Report: July 1, 2006 through April 1, 2007**
- C. Accounts Receivable as of April 1, 2007**
- E. Accounts Payable as of April 1, 2007**

F. Extraordinary Items/Items of Concern

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Agenda Item 4 (Cont'd)

Dr. Miner moved for approval of the Board financial reports. The motion was seconded by Dr. Potts and passed unanimously.

Agenda Item 5 DISCUSSION/APPROVAL OF Executive Director reports:

- A Status of Complaints Received**
- B. Status of Current Probations**
- C. Legal/Investigatory:**
 - 1. Costs assessed since last report**
 - 2. Costs assessed year-to-date**
 - 3. Costs collected since last report**
 - 4. Costs collected year-to-date**

Dr. Miner moved for approval of the Executive Director reports. Dr. Colucci seconded and the motion passed unanimously.

Agenda Item 6 Discussion/possible action regarding request for approval of application for DC licensure of Casey D. Robinson, DC.

Dr. Miner moved to deny Dr. Robinson's application. Dr. Colucci seconded the motion. Following discussion, Dr. Miner withdrew his motion and moved that this matter be continued pending receipt of appropriate documentation from the California Board. Dr. Potts seconded the motion and it passed unanimously.

Dr. Youngblood turned the meeting over to Consumer Member Richard McCann to conduct the proceedings under Agenda Items 7, 8 and 9. Mr. McCann requested that Ms. Foley present the prosecution's case in these matters.

Ms. Foley presented the terms of the proposed Agreed Settlements of Disciplinary Action in the matters of Drs. Kenneth Fust, Aaron Fust and Todd Dreitzler, as well as their Corporate Guaranty for payment of the Board's total costs for these actions.

Agenda Item 9 Administrative hearing/possible settlement agreement in the matter of Kenneth Fust, DC, License No. B631.

Following review of the charges and proposed agreement, Dr. Potts moved to approve the Agreed Settlement of Disciplinary Action and Order in the Matter of Kenneth Fust, DC, as written. The motion was seconded by Dr. Yamane and passed with Drs. Colucci, Potts and Yamane and Mr. McCann in favor and Dr. Miner opposed.

Agenda Item 8 Administrative hearing/possible settlement agreement in the matter of Aaron Fust, DC, License No. B723.

Dr. Miner moved for approval of the Agreed Settlement of Disciplinary Action and Order in the Matter of Aaron Fust, DC, as written. The motion was seconded by Dr. Potts and passed unanimously.

Agenda Item 7 Administrative hearing/possible settlement agreement in the matter of Todd M. Dreitzler, DC, License No. B629

Following review of the charges and proposed agreement, Dr. Miner moved to approve the Agreed Settlement in the Matter of Todd Dreitzler, DC, as written. The motion was seconded by Dr. Colucci and passed unanimously.

Agenda Items 12 and 13 were next addressed to accommodate Ms. Foley and investigator Gina Crown.

Agenda Item 12 Review of complaint/investigation/disciplinary action handling and procedures.

The Board's procedure for handling of the complaint, investigation, agreed settlement/disciplinary action process was reviewed. A few areas will be updated, i.e., "Deputy Attorney General" will be changed to "Deputy Attorney General or outside counsel", as well as the information that the limitation of one \$10,000 fine per complaint may necessitate issuance of more than one complaint.

Dr. Youngblood advised that because the investigating Board member drives the complaint, a protocol should be established for the IBM to conference call regularly with the prosecuting attorney to assure that his/her complaints do not languish. Dr. Miner recommended a centralized compendium under the purview of the Board's Executive Director.

Following review of this matter, the Board established the following dates for meetings and hearings: September 14 and 15, September 28 and 29, and October 12 and 13, 2007.

Agenda Item 13 Reports:

A. Attorney

Ms. Foley reported on the progress of prosecution of her pending cases.

B. Investigator

Ms. Crown's report on the status of her pending cases was reviewed.

C. Committees

Test Committee Chair, Dr. Colucci, reported that the CA test is currently being revised so that there will be an alternate test available.

Legislative Chair, Dr. Miner, reviewed the legislative activity pursuant to the lobbyists' report that was faxed to everyone. Dr. Potts mentioned that there should be a new regulation for establishment of a preceptorship program.

CE Chair, Dr. Yamane, commented that a recent seminar application included esthetic laser therapy. Following discussion, Dr. Potts volunteered to research this issue.

Agenda Item 10 Status report/discussion/possible action regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines it has no jurisdiction over the subject or providing direction to pursue the matter further.

Complaint 06-24 (Miner)

Agenda Item 10 (Cont'd)

Dr. Miner reported that Complaint 06-24 was filed against a licensee for late registration of several CAs. The DC claims that these oversights were the fault of his Office Manager. He has expressed remorse and claims that he will personally oversee this process in his office from now on.

Dr. Miner recommended a letter of public instruction as a resolution of this complaint. Dr. Potts moved for issuance of a letter of public instruction to this licensee and Mr. McCann seconded. The motion passed with Drs. Miner, Potts and Yamane and Mr. McCann in favor and Drs. Colucci and Youngblood not in favor.

Agenda Item 11 Discussion/possible action regarding development of scope of practice regulation.

Dr. Miner moved to approve the list of procedures that has been compiled thus far as being within the chiropractic scope of practice. Dr. Potts seconded the motion. Following discussion, Dr. Miner amended his motion to also include physical examinations, orthopedic and neurological examinations, independent medical examinations, independent chiropractic examinations, and reports of findings and opinions. Dr. Potts seconded the amended motion and it passed unanimously. A rule-making workshop will be held on Saturday, June 2, 2007.

NON-ACTION ITEMS:

Agenda Item 14 Correspondence Report.

Various advertising violations were reviewed and the Board instructed Cindy Wade as to their proper handling.

Ms. Wade was advised to contact the supervising doctor with respect to a possible discrepancy on a CA application.

The board was informed that a letter has been received from the National Practitioners Data Bank about late reporting of CPBN disciplinary actions. Cindy will look into this matter and report back at the next meeting.

An announcement was received from former CPBN President Dr. Jeffrey Andrews that he will graduate from law school next month.

Agenda Item 15 Board Member Comments.

Dr. Youngblood stated that it has come to her attention that a member of the Board is utilizing its lobbyist for personal matters and, if true, it needs to stop as it is not proper use of the taxpayers' dollars. Legislative Chair Dr. Don Miner stated that if Dr. Youngblood is addressing him and his conversations with the lobbyist, he has not used her for personal matters, although he has discussed with her a bill that is of interest to him but she has not expended any lobbying efforts in his behalf.

Dr. Colucci commented that our investigator did not follow through with hiring an investigator in southern Nevada and there is still a backlog of pending investigations, almost all of which are in the south. She recommended the Board look into the possibility of hiring an investigator located in the south, which would save on travel expenses. Rick McCann volunteered to follow up on this.

Agenda Item 16 Public Comment.

There was no public comment.

Agenda Item 17 Adjournment.

Dr. Potts moved that the meeting be adjourned. Dr. Yamane seconded and the motion passed unanimously.

Approved: June 1, 2007

Ian K. Yamane, DC, Secretary